

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OCEAN PEACE, INC.,

Plaintiff,

V.

UNITED STATES SEAFOODS, LLC.

Defendant.

CASE NO. C06-122JLR

ORDER

This matter comes before the court on Plaintiff's motion for a protective order (Dkt. # 22). Plaintiff Ocean Peace, Inc. ("OP") seeks to quash discovery concerning alleged ownership of either OP or its vessel, the F/T OCEAN PEACE, by persons who are not United States citizens.

The Vessel Documentation Act, 46 U.S.C. §§ 12101-124, establishes a system to identify vessels flying the United States flag, provide evidence of their ownership, and authorize vessels to engage in certain trades. See 42 U.S.C. §§ 12102-10.

Plaintiff has produced evidence that the United States Coast Guard has issued it a certificate of documentation for the F/T OCEAN PEACE with operational endorsements for fishing. In Myers v. AMERICAN TRIUMPH, the court noted that a vessel holding a properly endorsed certificate of documentation has “conclusive evidence” of qualification to be employed in the fishing trade. 260 F.3d 1067, 1069 (9th Cir. 2001) (quoting 46

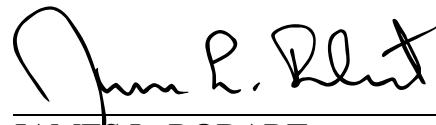
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1 U.S.C. § 12104(2)). The court held that a party may not attack the validity of the
2 certificate in a private action. Id. at 1070.

3 The discovery at issue is relevant solely to an impermissible attack on the validity
4 of the certificates issued to the OCEAN PEACE. This is so even though Defendant
5 claims to seek evidence relevant to the OCEAN PEACE's fishing qualifications for future
6 years. Congress has placed responsibility for making such determinations with the
7 United States Coast Guard. Id. Defendant's attempt to seek discovery relevant to such
8 issues in this action is therefore improper.

9 For these reasons, the court GRANTS Plaintiff's motion for a protective order
10 (Dkt. # 22).

11 Dated this 16th day of August, 2006.
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15 JAMES L. ROBART
16 United States District Judge
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